



Commonwealth
of Massachusetts

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Office of Campaign and Political Finance
One Ashburton Place, Room 411
Boston, MA 02108

Advisory Opinion

September 27, 2002
AO-02-33

Cheryl M. Cronin, Esq.
Brown, Rudnick, Berlack, Israels LLP
One Financial Center
Boston, MA 02111

Re: Contribution Limits for Special Committees

Dear Ms. Cronin:

This letter is in response to your September 23 request for an opinion regarding joint fundraising events between candidates and political party committees.

The campaign finance law allows candidates and party committees who first form a special committee to sponsor a joint political fundraiser. See M.G.L. c. 55, § 10A(d)(1)(ii) and 970 CMR 2.12(1)(a). The special committee is a temporary committee established to manage all of the finances associated with the event. You have noted that campaign finance regulations establish a \$500 limit on contributions to such committees without taking into account the aggregate contribution limits of the particular committees participating in the fundraising activity. See 970 CMR 2.12(2)(d)(2). You have asked OCPF for clarification regarding the statutory basis for this aspect of the regulation.

QUESTION

Does M.G.L. c. 55 establish a \$500 contribution limit on special committees formed pursuant to § 10A to accommodate a joint fundraising event between candidate and party committees?

ANSWER

Yes. For the purposes of the Massachusetts campaign finance law, M.G.L. c. 55, a “political committee” is defined as:

Any committee, association, organization or other group of persons,
including a national, regional, state, country, or municipal committee,
which receives contributions or makes expenditures for the purpose of

influencing the nomination or election of a candidate, or candidates, or of presidential and vice presidential electors, or for the purpose of opposing or promoting a charter change, referendum question, constitutional amendment, or other question submitted to the voters.

See M.G.L. c. 55, § 1 and IB-88-01, narrowing the application of this definition to those who raise money for such purposes. Contributions to all political committees, other than candidate, party or ballot question committees, are limited to an aggregate amount of \$500 per calendar year. See M.G.L. c. 55, § 7(a)(3).

In 1994, the Legislature enacted a series of changes to the campaign finance law, including new restrictions on bundled contributions by PACs, lobbyists, and corporate agents. See M.G.L. c. 55, § 10A. Specifically exempted from the bundling provisions was joint fundraising activity by multiple party committees and by “special committee[s] formed by one or more candidates and one or more state or local committees of a political party on their own behalf.” See M.G.L. c. 55, § 10A(d)(1)(ii).

As a committee conceived by statute for the limited purpose of raising money for a political purpose in conjunction with a joint fundraiser to support a candidate(s), a special committee is, as a matter of law, a “political committee” subject to the \$500 limit set forth in M.G.L. c. 55, § 7(a)(3). See also IB-88-01. According to the definition of a political action committee included in the 1994 legislation, a special committee is also a “political action committee” because it is not a candidate, party or ballot question committee. See M.G.L. c. 55, § 1.

In promulgating joint fundraising regulations in 1996, this office was aware that the contribution limit established for a special committee formed pursuant to M.G.L. c. 55, § 10A would necessarily be less than the combined total of each participating committees’ individual limits.¹ However, the Legislature appears to have intended this consequence by requiring that joint fundraising between candidate and party committees be conducted through a separate *committee*. There is no basis in M.G.L. c. 55, §§ 1 and 7A for this office to reach a contrary conclusion. If the Legislature did not intend to limit contributions to special committees to \$500, it appears that an amendment to the statute would be required to either exclude special committees from the definition of political committee or otherwise establish an alternative limit for such committees.

This opinion is issued within the context of the campaign finance law and is provided solely on the basis of representations in your letter. Please contact us if you have further questions. Thank you for your interest in the campaign finance law.

Sincerely,

A handwritten signature in dark ink, reading "Michael J. Sullivan", is written over a horizontal line.

Michael J. Sullivan
Director

MJS:bp

¹ OCPF received no comments, either in writing or at the required public hearing, regarding contribution limits for special committees in 1996 after giving notice of the proposed joint fundraising regulations.